



# BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: # 14310-00000-00083  
Date Received: 10 FEB. 2014  
Commission/Civic: Vic Village  
Existing Zoning: \_\_\_\_\_ Application Accepted by: HF Fee: \$ 320 -  
Comments: \_\_\_\_\_

## TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

3443.23a - ARLD - 5 feet minimum sideyard setback

## LOCATION

1. Certified Address Number and Street Name 828 : 232 W. 2nd Avenue  
City Columbus State OH Zip 43201  
Parcel Number (only one required) 010-030918 - 010-030919

## APPLICANT: (IF DIFFERENT FROM OWNER)

Name SAME  
Address \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email \_\_\_\_\_

## PROPERTY OWNER(S):

Name Michael Maharey MM Developing, LLC  
Address 1499 Perry St City/State Columbus, OH Zip 43201  
Phone # 614-937-1884 Fax # \_\_\_\_\_ Email MMDevelopingLLC@gmail.com  
☐ Check here if listing additional property owners on a separate page.

## ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney ☐ Agent

Name \_\_\_\_\_  
Address \_\_\_\_\_ City/State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email: \_\_\_\_\_

## SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE \_\_\_\_\_  
PROPERTY OWNER SIGNATURE [Signature] 2/7/2014  
ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
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Please make all checks payable to the Columbus City Treasurer



# CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

14310-00000-00083

228 & 232 WEST 2nd  
AVENUE

## One Stop Shop Zoning Report Date: Fri Feb 28 2014

General Zoning Inquiries: 614-645-8637

### SITE INFORMATION

**Address:** 228 W 2ND AVE COLUMBUS, OH

**Mailing Address:** 1499 PERRY ST  
COLUMBUS OH 43201

**Owner:** MAHANEY MICHAEL R

**Parcel Number:** 010030919

### ZONING INFORMATION

**Zoning:** Z73-168, Multi-family, ARLD  
effective 1/9/1974, Height District H-35

**Board of Zoning Adjustment (BZA):** N/A

**Commercial Overlay:** N/A

**Graphic Commission:** N/A

**Area Commission:** Victorian Village Commission

**Planning Overlay:** N/A

**Historic District:** Victorian Village

**Historic Site:** No

**Council Variance:** N/A

**Flood Zone:** OUT

**Airport Overlay Environs:** N/A

### PENDING ZONING ACTION

**Zoning:** N/A

**Board of Zoning Adjustment (BZA):** N/A

**Council Variance:** N/A

**Graphic Commission:** N/A





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### AFFIDAVIT

14310-00000-00083

228 & 232 WEST 2nd  
AVENUE

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Michael Mahaney  
of (1) MAILING ADDRESS 1499 Perry St Columbus, OH 43201  
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) Michael Mahaney  
1499 Perry St  
Columbus, OH 43201

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Michael Mahaney  
614-937-1884

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Victorian Village Commission  
Marc Conte (chair)  
James Goodman 50 W. Gay St 4th  
Columbus, OH 43215

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

see attached

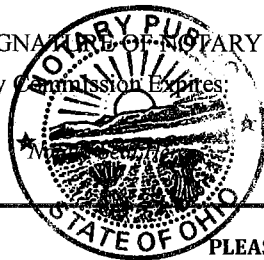
☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 10 (8) day of Feb., in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



EMILY E. GIFFIN  
Notary Public, State of Ohio  
My Commission Expires  
June 6, 2017

(8) Emily E. Giffin  
12.6.17

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### STATEMENT OF HARDSHIP

14310-00000-00083

228 & 232 WEST 2nd  
AVENUE

APPLICATION # \_\_\_\_\_

#### 3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

*See attached Statement of Hardship*

Signature of Applicant

Date

*2/7/2014*

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232/228 W. 2<sup>nd</sup> Ave  
Columbus, OH 43201

**14310-00000-00083**  
**228 & 232 WEST 2nd**  
**AVENUE**

#### STATEMENT OF HARDSHIP

Owner/Applicant requests relief from Title 33 Zoning Code, 3333.23A Minimum Side Yard Requirements for ARLD (Apartment Residential Living District). The code specifies that a two-story, single family dwelling should have a minimum side yard of 5' from the property line to any point in the structure.

The Owner/Applicant is requesting relief from the above mentioned Zoning Code in order to build a free standing, single family residence with a side yard setback of 3' instead of 5'. Victorian Village is a highly residential community with mostly single family homes. In 1975 this particular island of Victorian Village was zoned "ARLD" to allow for dense development. Over the years this goal has not come to fruition and the area was not rezoned to allow for less dense development (R2, R2F, R4, etc.).

The way the Zoning Code is currently written, a person who owns a parcel in the ARLD district is penalized if they want to build a single family home. All other zoning designations in this community (R2, R2F, R4, etc.) allow an owner to build a single family home with a 3' setback. We are currently being penalized for an inaccurate zoning designation (ARLD) and because the Zoning Code was not fully written to allow for a single family home to be built against the typical standards of a residential living district. Additionally, the vast majority of structures in the surrounding area that fall into the ARLD zoning designation are single or two unit dwellings with 3' or less setbacks.

It is beneficial for the Owner/Applicant, the Victorian Village community, and the City of Columbus to allow variances to certain zoning restrictions to allow for high quality, architecturally sensitive new construction. Allowing the 3' side yard setback in lieu of a 5' setback will allow the Owner/Applicant to use the property in a manner that is similar to other property owners in the area. Additionally, it will allow for the construction of single family homes that conform to the same requirements as home owners in all of the other residential living districts.

In summary, and most importantly, granting this variance request at 232/228 W. 2<sup>nd</sup> Ave to allow for a 3' minimum side yard setback instead of a 5' setback will not be injurious to neighboring properties or the community's inhabitants. The granting of this variance will not be contrary to the public interest. The granting of this variance will increase the architectural appeal of the historical district and allow the Owner/Applicant to utilize the parcels with the same rights as other owners of single family homes.



# City of Columbus Address Plat



14310-00000-00083

228 & 232 WEST 2nd  
AVENUE

## CERTIFIED HOUSE NU

The House Numbers Contained on This Form  
are Herein Certified for Securing  
of Building & Utility Permits

Parcel ID: 010030919

Project Name: SINGLE FAMILY HOME

House Number: 228

Street Name: W 2ND AVE

Lot Number: 4

Subdivision: STEWART

Work Done: NEW

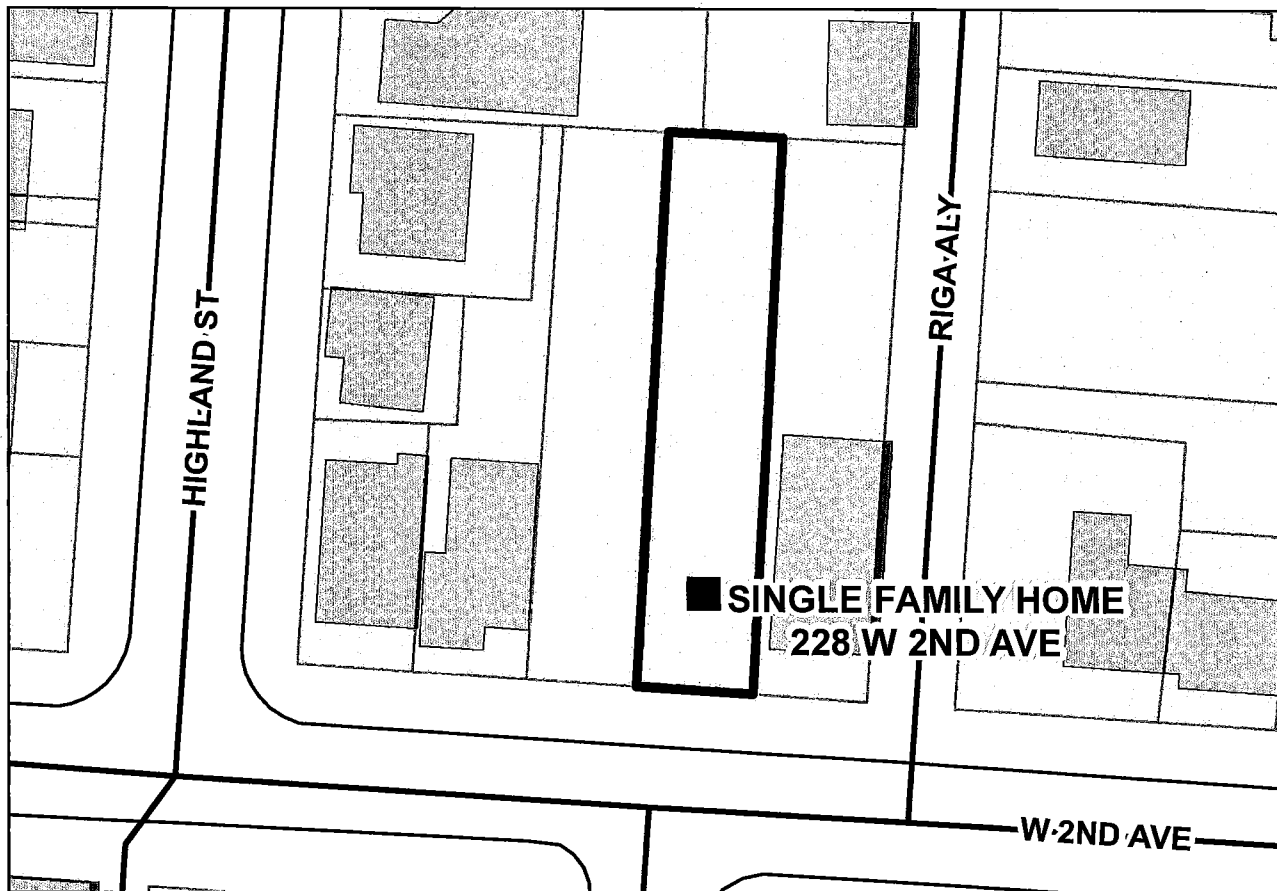
Complex: N/A

Owner: MICHAEL R MAHANEY

Requested By: MM DEVELOPING, LLC (MICHAEL MAHANEY)

Printed By: Cassandra Sampson

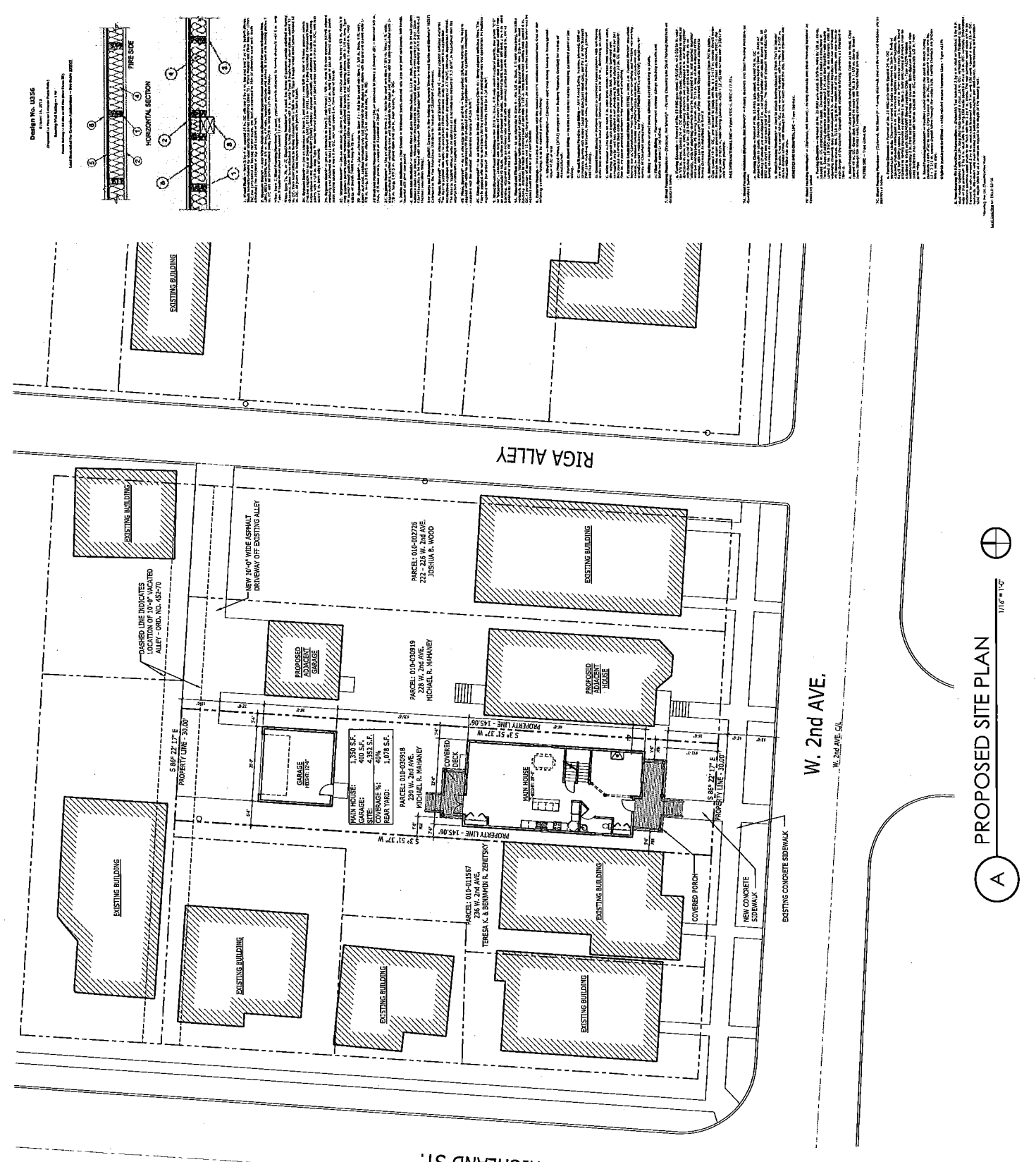
Date: 9/19/2013



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 1327970





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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION:

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**228 & 232 WEST 2nd**  
**AVENUE**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS) Michael Maharey  
1499 Perry St, Columbus, OH 43201

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Michael Maharey

1499 Perry St, Columbus, OH 43201

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 10 day of Feb., in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here



Emiley E. Giffin  
June 6, 2017  
EMILEY E. GIFFIN  
Notary Public, State of Ohio  
My Commission Expires  
June 6, 2017

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